

REMARKS

Claims 1-9, 12, 14-17, 19-24, 27, 28, 40-51, 53-55, 57-60 and 63 were pending and have been rejected by the Examiner. Claims 1, 14, 20, 40, and 53 have been amended. Claim 17 has been cancelled without prejudice or disclaimer. Accordingly, claims 1-9, 12, 14-15, 19-21, 24-27, 40-51, 53-57, 60 and 63 are presented and at issue. Reconsideration of claims 1-9, 12, 14-15, 19-21, 24-27, 40-51, 53-57, 60 and 63 is respectfully requested in view of the foregoing amendments and following remarks.

Claim Rejections Under 35 USC § 103

Claims 1-8, 14-17, 20-24, 40-47, 51, 53-55, and 57-60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Daly (U.S. Patent No. 6,122,503) in view of Leung (U.S. Patent No. 6,195,546) and Josenhans (U.S. Patent No. 5,953,653) and Comer (US 6,718,177)

The foregoing rejection is traversed for the following reasons. Applicants respectfully submit that the obviousness rejection based on Daly, Leung, and Josenhans is improper as Daly, Leung, and Josenhans fail to teach or suggest each and every element of the instant invention in such a manner so as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Even if the teachings of Daly, Leung, and Josenhans are combined, the resulting combination fails to meet applicants' claimed invention. Amended claims 1 and 40 now recite "the concerned database associating each of the target subscribers with at least one of a number of update attempts executed for the wireless device, an unable to update parameter for the wireless device, or a waiting state parameter for the wireless device indicative of the wireless device waiting for an update", and "deleting the targeted subscriber from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of successful receipt of the third item of information".

Likewise, claim 14 has been amended to recite "(e) creating a record in a concerned

database wherein the record is associated with a wireless device that has not received the transmitted information, the concerned database associating each of the target subscribers with at least one of a number of update attempts executed for the wireless device, an unable to update parameter for the wireless device, or a waiting state parameter for the wireless device indicative of the wireless device waiting for an update; and (f) deleting the record from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of a successful receipt of the transmitted information.”

Moreover, claims 20 and 53 have been amended to recite “the concerned database associating each of the target subscribers with at least one of a number of update attempts executed for the wireless device, an unable to update parameter for the wireless device, or a waiting state parameter for the wireless device indicative of the wireless device waiting for an update; wherein a record from the records of wireless devices is deleted from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of a successful receipt of the updated information”. Support for the foregoing amendments of claims 1, 14, 30, 40, and 53 is found throughout the specification, for example at paragraphs [0057]-[0061], and also with reference to FIGs. 8 and 11.

The Examiner admits that the cited references fail to disclose organizing the centralized database of the HLR into specific databases such as Applicants’ claimed pending database, concerned database, and history database (Office Action of September 13, 2007, page 5). Despite this significant omission, the Examiner alleges that it would somehow be obvious to modify Daly to include Applicant’s pending database, concerned database, and history database. However, the Examiner has failed to provide any prior art reference in support of this position. The Examiner has also failed to present any explanation as to why one of ordinary skill in the relevant art would be motivated to include the specific databases claimed by Applicants based upon the teachings of Daly. In fact, Daly includes only a single database (IRDB 313) without any discussion, mention, or suggestion that it might be advantageous to somehow split up the database. Moreover, Daly fails to mention any factors that might be used by a skilled artisan to partition or organize a database, whether by chronology, geography, functionality, or some other parameter. Accordingly, the Examiner has not met the burden of establishing that all elements of the invention are taught or suggested in the prior art as mandated by MPEP §2143.03.

The claims have been amended to describe the functionality of the concerned database

in greater detail. Neither Daly, Leung, nor Josenhans discloses Applicants' features set forth in claims 1 and 40 specifying "the concerned database associating each of the target subscribers with at least one of a number of update attempts executed for the wireless device, an unable to update parameter for the wireless device, or a waiting state parameter for the wireless device indicative of the wireless device waiting for an update" and "deleting the targeted subscriber from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of successful receipt of the third item of information".

Moreover, neither Daly, Leung, nor Josenhans discloses Applicants' features set forth in claim 14 specifying "(e) creating a record in a concerned database wherein the record is associated with a wireless device that has not received the transmitted information, the concerned database associating each of the target subscribers with at least one of a number of update attempts executed for the wireless device, an unable to update parameter for the wireless device, or a waiting state parameter for the wireless device indicative of the wireless device waiting for an update; and (f) deleting the record from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of a successful receipt of the transmitted information."

Finally, neither Daly, Leung, nor Josenhans discloses Applicants' features set forth in claims 20 and 53 specifying "the concerned database associating each of the target subscribers with at least one of a number of update attempts executed for the wireless device, an unable to update parameter for the wireless device, or a waiting state parameter for the wireless device indicative of the wireless device waiting for an update" and "wherein a record from the records of wireless devices is deleted from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of a successful receipt of the updated information".

Leung fails to remedy the deficiencies of Daly. Leung discloses an apparatus for initiating an over the air parameter administration of a mobile station without the need for interacting with a mobile station user. A unique service option number included in an initial page indicates to a mobile station that an update is being requested. The mobile station performs a validation check before permitting the update to take place. Flags are used in the network to alert the system that an attempted update was not completed because a mobile station was not accessible. The flags cause the system to update when the mobile station next becomes

accessible. However, Leung fails to disclose or suggest “(e) creating a record in a concerned database wherein the record is associated with a wireless device that has not received the transmitted information; and (f) deleting the record from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of a successful receipt of the transmitted information”. Leung also fails to disclose the transmission of “information to the wireless device only in response to the autonomous registration, wherein the information is associated with a type and a model number for the wireless device”. Finally, Leung fails to disclose a system that “retrieves a message from the message database based on a type and a model number for the wireless device”.

Josenhans fails to remedy the deficiencies of Leung and Daly. Josenhans is directed to techniques for preventing delivery of mobile telephone service in response to fraudulent roaming requests. A first database stores home/serving market identification codes and a second database stores authorized subscriber identification data. A monitoring device monitors communication data in response to a power on signal transmitted by the mobile telephone unit. A central server then determines if the subscriber is authorized to receive service in the roaming market based on the communication data, the home/serving market identification codes stored in the first database, and the authorized subscriber identification data stored in the second database. The home carrier mobile network can then prevent the subscriber from obtaining service in roaming markets or any other market thereafter if the subscriber is not authorized to receive service in that roaming market by updating data stored in a subscriber profile database to reflect the subscriber must be routed to customer service upon placing an outgoing call following the power on signal.

Josenhans fails to disclose or suggest “(e) creating a record in a concerned database wherein the record is associated with a wireless device that has not received the transmitted information, the concerned database associating each of the target subscribers with at least one of a number of update attempts executed for the wireless device, an unable to update parameter for the wireless device, or a waiting state parameter for the wireless device indicative of the wireless device waiting for an update; and (f) deleting the record from the concerned database subsequent to receiving an acknowledgment from the wireless device indicative of a successful receipt of the transmitted information”. Josenhans also fails to disclose the transmission of “information to the wireless device only in response to the autonomous registration, wherein the information is

associated with a type and a model number for the wireless device”. Finally, Josenhans fails to disclose a system that “retrieves a message from the message database based on a type and a model number for the wireless device”.

In view of the foregoing, claims 1, 14, 20, 40, and 53 are patentable over Daly in view of Leung and Josenahns. Claims 2-9 and 12 depend from claim 1 and include all recitations thereof. Similarly, claims 15 and 19 depend from claim 14 and include all recitations thereof. Likewise, claims 21 and 24-27 depend from claim 20 and include all recitations thereof. Moreover, claims 41-51 depend from claim 40 and include all recitations thereof. Finally, claims 54-57, 60 and 63 depend from claim 53 and include all recitations thereof. Accordingly, it is submitted that claims 2-9, 12, 15, 17, 19, 21, 24-27, 41-51, 54-57, 60 and 63 are patentable over Daly in view of Leung and Josenahns for the reasons discussed above in connection with claims 1, 14, 20, 40, and 53.

In addition to the foregoing, Applicants find no motivation or suggestion in Daly to modify the teachings of Leung and Josenhans to arrive at the claimed arrangement of elements. Likewise, there is no motivation or suggestion in Leung or Josenhans to modify the teachings of Daly to arrive at the claimed arrangement of elements.

The Examiner rejected claims 9 and 48 under 35 USC 103(a) as being unpatentable over Daly in view of Josenhans and Leung and further in view of Seazholtz, U.S. Patent No. 5,790,952. The foregoing rejection is traversed for the following reasons. Claim 9 depends from independent claim 1 and includes all recitations thereof. Similarly, claim 48 depends from independent claim 40 and includes all recitations thereof. Since independent claims 1 and 40 are allowable for the reasons discussed previously, claims 9 and 48 are also allowable as depending from an allowable base claim.

The Examiner rejected claims 9 and 48 under 35 USC 103(a) as being unpatentable over Daly in view of Josenhans and Leung and further in view of D’Avello, U.S. Patent No. 4,831,647. The foregoing rejection is traversed for the following reasons. Claim 9 depends from independent claim 1 and includes all recitations thereof. Similarly, claim 48 depends from independent claim 40 and includes all recitations thereof. Since independent claims 1 and 40 are allowable for the reasons discussed previously, claims 9 and 48 are also allowable as depending from an allowable base claim.

The Examiner rejected claims 12, 19, 27, and 63 under 35 USC 103(a) as being unpatentable over Daly in view of Josenhans and Leung and further in view of McConnell, U.S. Patent No. 6,418,306. The foregoing rejection is traversed for the following reasons. Claim 12 depends from independent claim 1 and includes all recitations thereof. Similarly, claim 19 depends from independent claim 14 and includes all recitations thereof. Likewise, claim 27 depends from independent claim 20 and includes all recitations thereof. Finally, claim 63 depends from independent claim 53 and includes all recitations thereof. Since claims 1, 14, 20, and 53 are allowable for the reasons discussed previously, claims 12, 19, 27, and 63 are also allowable as depending from an allowable base claim.

Applicants submit that Daly, Leung, Josenhans, D'Avello, McConnell, and Seazholtz fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the Applicants have done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining Daly, Leung, Josenhans, D'Avello, McConnell, and Seazholtz to perform as the claimed invention performs, disclose substantially different inventions from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which rejections Applicants consider to be traversed.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-9, 12, 14-15, 19-21, 24-27, 40-51, 53-57, 60 and 63 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

CHARLES M. LINK II, ET AL.

CANTOR COLBURN LLP
Applicants' Attorneys

By: /Steven R. Bartholomew/
Steven R. Bartholomew
Registration No. 34,771
Confirmation No. 8769
Customer No. 36192

Date: October 31, 2007
Address: 55 Griffin Road South
Bloomfield, CT 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115